

## REMARKS/ARGUMENTS

Claims 1-91 are pending in the application. Claim 51 is objected to because of informalities; claims 1, 46, and 91 are rejected under 35 U.S.C. 112; claims 1-18, 21-29, 32-35, 37-38, 40-42, 44, 46-63, 66-74, 77-80, 82-83, 85-87, 89, and 91 are rejected as anticipated under 35 U.S.C. 102(b); claims 19-20, 31, 36, 39, 43, 45, 64-65, 76, 81, 84, 88, and 90 are rejected as obvious under 35 U.S.C. 103(a); and claims 30 and 75 are considered to be allowable if rewritten in independent form including the limitations of the base and intervening claims.

### *Claim Objections*

In keeping with the Examiner's requirement, the foregoing amendment corrects "the system of claim 483" to "the system of claim 48" in claim 51.

### *Claim Amendments*

Amended independent claims 1 and 46 propose a method and system, respectively, for authenticating the identity of a user by an authority which involves enrolling a plurality of credentials for the user with the authority and establishing at least one shared secret between the user and the authority relating to a predefined shared secret manner for presenting each of a plurality of current user credentials to the authority for the user for consecutive occasions. Thereafter, at least one currently presented user credential is received by the authority for authentication of the identity of the user, and the identity of the user is authenticated by the authority based on a correspondence between the enrolled and current user credentials and a correspondence between the shared secret manner for presenting the current user credential and the manner in which the current user credential is presented to the authority.

Amended independent claim 91 proposes a method for authenticating the identity of a user by an authority that involves enrolling a plurality of credentials for the user with the authority and establishing a shared secret between the user and the authority relating to a predefined shared secret manner of presenting each of a

plurality of current user credentials corresponding to each of the plurality of enrolled user credentials to the authority for the user for consecutive occasions. Thereafter, a presentment of at least one current user credential is received by the authority for authentication of the identity of the user, and the identity of the user is authenticated by the authority based on a correspondence between the enrolled and current user credentials and a correspondence between the shared secret manner for presenting the current user credential and the manner in which the current user credential is presented to the authority.

In addition, claim 30 is rewritten in independent form including the limitations of original base claim 1 and intervening claims 24 and 28 and claim 75 is rewritten in independent form including the limitations of original base claim 46 and intervening claims 69 and 73.

Claims 18, 28, 63, and 73 are canceled and claims 2-7, 12, 22, 23, 47-52, 57, 67 and 68 are amended to address editorial issues raised by the amendment of claims 1 and 46. Claim 51 is further amended to address the Examiner's objection, and claims 1, 46, and 91 are also further amended to address the Examiner's rejection as being indefinite. Support for the foregoing amendment is found throughout the specification and in the claims and as detailed above. Accordingly, no new matter has been added.

***Claim Rejections - 35 U.S.C. § 112***

Claims 1, 46, and 91 stand rejected under 35 U.S.C. § 112 as indefinite because the phrase "authenticating the identity" lacks antecedent basis. The foregoing amendment of claims 1, 46, and 91 changing "authenticating the identity" to "authenticating an identity" overcomes the rejection.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1-18, 21-29, 32-35, 37-38, 40-42, 44, 46-63, 66-74, 77-80, 82-83, 85-87, 89, and 91 stand rejected as anticipated by Pionsenka et al. (U.S. 4,993,068) under 35 U.S.C. § 102(b). The rejection is respectfully traversed and reconsideration is

requested. The reference asserted does not read on the claimed invention in at least the aspect, as acknowledged by the Examiner, that Pionsenka et al., which teaches storing encrypted identification credentials, such as a user's facial photo, retinal scan, voice or finger prints, on a portable memory device that the user presents along with his physical identification characteristics to a remote access control site for comparison of the credentials from the memory device with the user's physical identity to determine whether to allow or deny access to the user (see, e.g., Pionsenka et al., Col. 3, line 28-Col. 8, line 68), does not disclose establishing a variation of the predefined shared secret manner of presenting each of the additional current user credentials to the authority for the user for consecutive occasions.

Consequently, Pionsenka et al. fails to disclose or suggest the required combination of limitations of amended claims 1 and 46 that propose enrolling a plurality of credentials for the user with the authority and establishing at least one shared secret between the user and the authority relating to a predefined shared secret manner for presenting each of a plurality of current user credentials to the authority for the user for consecutive occasions, and thereafter receiving one or more currently presented user credentials by the authority for authentication of the identity of the user and authenticating the identity of the user by the authority based on a correspondence between the enrolled and current user credentials and a correspondence between the shared secret manner for presenting the current user credential and the manner in which the current user credential is presented to the authority.

Likewise, Pionsenka et al. fails to disclose or suggest the required combination of limitations of amended claim 91 that propose enrolling a plurality of credentials for the user with the authority and establishing a shared secret between the user and the authority relating to a predefined shared secret manner of presenting each of a plurality of current user credentials corresponding to each of the plurality of enrolled user credentials to the authority for the user for consecutive occasions, and thereafter receiving a presentment of at least one current user credential by the authority for

authentication of the identity of the user and authenticate the identity of the user by the authority based on a correspondence between the enrolled and current user credentials and a correspondence between the shared secret manner for presenting the current user credential and the manner in which the current user credential is presented to the authority.

Because each and every element as set forth in amended claims 1, 46, and 91 is not found, either expressly or inherently in Pionsenka et al., the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for amended independent claims 1 and 46, and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-17, 21-27, 29, 32-35, 37-38, 40-42, and 44 (claims 18 and 28 being canceled) that depend on claim 1 and claims 47-62, 66-73, 77-80, 82-83, 85-87, and 89 (claims 63 and 74 being likewise canceled) that depend on claim 46, and which recite further specific elements that have no reasonable correspondence with the references.

### ***Claim Rejections - 35 U.S.C. § 103***

Claims 19-20, 31, 36, 39, 43, 45, 64-65, 76, 81, 84, 88, and 90 stand rejected as obvious over Pionsenka et al. in view of Kanevsky et al. (U.S. 6,421,453) under 35 U.S.C. § 103(a). The rejection is respectfully traversed and reconsideration is requested. The references asserted do not teach or suggest the claimed invention in at least the aspect, as acknowledged by the Examiner, that neither Pionsenka et al. nor Kanevsky et al., which teaches pre-storing biometrics, personal data, or a predefined sequence of gestures performed by a user during an enrollment session and comparing biometrics, personal data, or gestures presented by the user during a recognition session for comparison to the pre-stored biometrics, personal data, or gestures to recognize the individual (see, e.g., Kanevsky et al., Col. 3, line 27-Col. 4, line 13), disclose establishing a variation of the predefined shared secret manner of presenting each of

the additional current user credentials to the authority for the user for consecutive occasions.

The claimed combinations are not taught or suggested by Piosenka et al. and/or Kanevsky et al., either separately or in combination with one another. Because the cited references, either alone or in combination, do not teach the limitations of independent claims 1 and 46, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03. Similarly, the Examiner has failed to establish a *prima facie* case of unpatentability for claims 19-20, 31, 36, 39, 43, and 45 that depend on claim 1 and/or claims 64-65, 76, 81, 84, 88, and 90 that depend on claim 46, and which recite further specific elements that have no reasonable correspondence to the references.

#### ***Allowable Subject Matter***

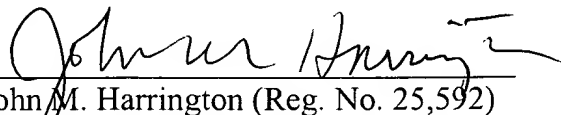
The Examiner's statement that claims 30 and 75 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims is noted and appreciated. In keeping with the Examiner's requirement for allowablity, claim 30 is rewritten in independent form including the limitations of original base claim 1 and intervening claims 24 and 28 and claim 75 is rewritten in independent form including the limitations of original base claim 46 and intervening claims 69 and 73.

### Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

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